



PUBLICATIONS

*Legislation Series • No. 1*

# FEDERAL LEGISLATION

*concerning*

## BLIND PERSONS

*in the United States and*

*Insular Possessions*

BY HELGA LENDE

American Foundation for the Blind

15 West 16th Street, New York 11, N. Y.

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AMERICAN FOUNDATION  
FOR THE BLIND INC.

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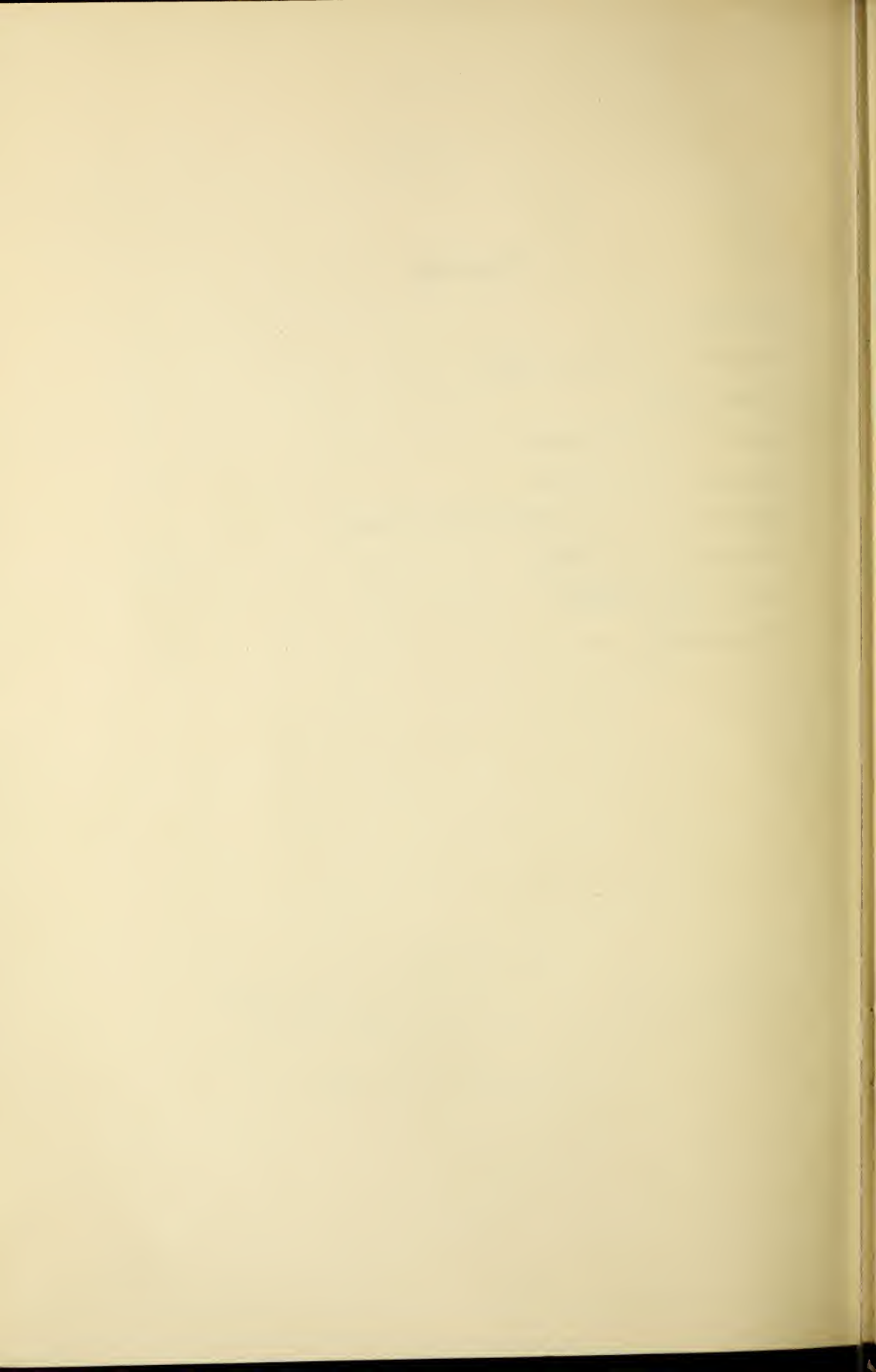
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Revised 1958  
AMERICAN FOUNDATION FOR THE BLIND  
15 WEST 16TH STREET, NEW YORK 11, N. Y.

PRINTED IN U. S. A  
THE WILLIAM BYRD PRESS, INC.

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## *Foreword*

In the United States the need for federal legislation of benefit to blind persons became apparent when it was found that the various states were unable to give adequate service to all of its blind citizens. The reasons for this were mostly economic; often, however, there were difficulties in setting up efficient administrative systems. The special interrelationship of state and federal government in this country in many instances called for a central and uniform approach to the problems of this special area of social welfare.

The federal government has taken a generous attitude toward the blind over a number of years. The character of the legislation passed has varied in conformance with the development of social welfare programs in general, and as the special needs of the blind as a separate group came to light. Thus, the history of some of the important services for blind persons in this country may be traced through a study of federal legislative measures and their effect on state and local work.

Some of the legislation passed, such as the Social Security Act and the Vocational Rehabilitation Act are designed to aid a large general group, although both acts give special attention to the blind as a separate group. Other federal laws passed deal exclusively with the blind. Most of the measures define a blind person eligible for service as one who has "central visual acuity of 20/200 or less in the better eye, with correcting glasses; or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees." However, the Randolph-Sheppard Act dealing with vending stand concessions in Federal buildings,

defines blindness as "not more than ten per centum visual acuity in the better eye with correction," and the Social Security Act in its 1954 amendment for the purposes of the "disability freeze" only, defines blindness as central visual acuity of 5/200 or less in the better eye with the use of a correcting lens.

Following is a report of federal legislation in the United States according to the subject areas with which such legislation is concerned. This report is not intended as an evaluation of the effectiveness of the programs established because of these legislative measures, nor does it attempt to point out or forecast future legislative needs.

M. ROBERT BARNETT  
EXECUTIVE DIRECTOR



## *Education of the Young Blind*

Blind children require for their education special equipment in the form of books in raised print and tangible apparatus and devices of various kinds. It was recognized early that the supply of such equipment would never be adequate if each state were left to its own resources. The first legislation providing aid from the federal government was approved on March 3, 1879 under the title "An Act to Promote the Education of the Blind." According to this law a perpetual trust fund of \$250,000 was set up to be invested in United States interest-bearing bonds, the income from which, at 4 per cent, in the amount of \$10,000 per year, would go to the American Printing House for the Blind in Louisville, Kentucky. The conditions for this grant were, first, that the superintendents of the various tax-supported schools for the blind of the country become ex officio members of the board of trustees of the Printing House; second, that books and tangible apparatus equivalent in value to the governmental grant be distributed among the schools for the blind in proportion to their pupil enrollment.

In 1906, the original law of 1879 was changed to provide a direct \$10,000 appropriation to the Printing House, to be made annually in perpetuity. Thirteen years later, in 1919, the first additional appropriation (in addition to the original \$10,000) was authorized in the amount of \$40,000. Later amendments have further increased the appropriation to \$65,000 in 1927, and \$115,000 in 1937, these sums always to be added to the \$10,000 original appropriation. Then, in 1952, Congress increased the authorized annual appropriation to \$250,000, this making the possible total annual grant \$260,000. An important change was made in 1956 when the law was amended "so as to authorize wider distribution of books and other special instructional material for the blind."

This provision means that the Printing House is legally empowered to make available educational materials on a per capita basis to all blind children either in residential schools or in public schools. Heretofore, public schools classes had received such materials as a result of an opinion handed down on January 30, 1912 stating that these classes were entitled to share in the free distribution of materials under this act. Furthermore, the law of 1956 increased the authorized appropriation to \$400,000 per year, which, with the permanent annual appropriation could make a total of \$410,000.

The act of 1879 vested the control of the appropriation in the Treasury of the United States. On June 7, 1939, by Joint Resolution, the administration of the appropriation to the Printing House was transferred to the Federal Security Agency. It is now a part of the Department of Health, Education and Welfare.

In the present interpretation, the term "books and tangible apparatus," includes books in raised print as well as talking books, talking book reproducers and books in large type, in addition to the special apparatus and devices required for the education of the young blind. The actual appropriation so far has been distinctly lower.

The concern of the federal government for the education of blind children did not cease with the provision of school books and apparatus for their use. For years, the United States Commissioner of Education has collected statistics regarding schools and classes for the blind, and has from time to time issued bulletins on the progress of the education of the blind in this country. The program is now under the Section for Exceptional Children, Office of Education in the Department of Health, Education and Welfare. It provides research and consultative services to state, county and city school systems and to residential schools throughout the country in the interest of all handicapped children, including the blind, and through conferences, field service, bibliographies and other publications stimulates the organization and development of educational programs which will meet the needs of children requiring special instructional methods and special guidance procedures.

*Laws Governing Books and Tangible Apparatus for  
Blind Children*

- H. R. 4228—45th Congress, Approved, March 3, 1879.  
Public Law No. 288—59th Congress, Approved, June 25, 1906.  
Public Law No. 24—66th Congress, Approved August 4, 1919.  
Public Law No. 584—69th Congress, Approved, February 8, 1927.  
Public Law No. 339—75th Congress, Approved, August 23, 1937.  
Public Law No. 354—82nd Congress, Approved, May 22, 1952.  
Public Law No. 922—84th Congress, Approved, August 2, 1956.

*Library Service*

The basis of the federally-supported library service to the blind is the Pratt-Smoot Act approved on March 3, 1931, which authorized an annual appropriation of \$100,000 to enable the Librarian of Congress "to provide books for the use of the adult blind residents of the United States, . . . ."

For years, blind people of this country had received a most inadequate library service. The return of the blinded war veterans of World War I helped to focus public attention to their need, and in 1929 at the request of the American Library Association, the American Foundation for the Blind made a thorough study of the subject. As a result, it could be reported at the Congressional hearing which preceded the passage of the Pratt-Smoot Act, that there were in the United States only fifteen libraries for the blind of any importance sufficient to justify the services of a full-time assistant, and that these libraries were concentrated in one section of the country. The whole stock of books for the blind in these libraries amounted to less than 150,000 volumes, many of which were in obsolescent types. Some blind people lived as much as a thousand miles from the nearest library. It was obvious that local authorities or private philanthropy would be unable to cope with the situation.



According to the Act, the responsibility of providing books for the blind is vested in the Library of Congress through its Division for the Blind. To carry out the program, the Division has selected thirty libraries throughout the country to serve as regional distributing libraries, on the condition that these libraries undertake to circulate books for the blind over designated areas, regardless of whether or not the areas extend beyond the taxing unit supporting the libraries. Because of the relatively small number of blind readers in each area most of the circulation of books for the blind is done by mail. An amendment to the United States Postal Laws provides that these books are sent from the libraries to the blind reader and back to the libraries postage free.

Since the first passage of the Act in 1931, changes in library usage and other developments have caused a number of amendments to the original law. In 1933 the advent of the talking book for the blind (long-playing gramophone records) made it advisable to change the wording "books" for the adult blind to read "books published either in raised characters, or sound-reproduction records, or in any other form." In 1935 the appropriation was increased to \$175,000 per year, from which not exceeding \$75,000 "shall be expended for sound-reproduction records." As the popularity of the talking book increased, amendments of 1937 and 1940 increased the amount to be spent for sound-reproduction records to \$175,000 and \$250,000 respectively, still reserving the sum of \$100,000 to be used for books in raised print.

In the meantime commercial recording houses had become interested in the possibility of making talking book records for the blind. At the time, this was a matter of great concern to everyone interested in upholding the high standard of production heretofore aspired to. To prevent a premature commercialization of the entire talking book program, an amendment of 1939 stated that the Librarian of Congress "in the purchase of such books . . . shall give preference to nonprofit-making institutions or agencies whose activities are primarily concerned with the blind." The manufacture of talking book records so far has been mainly in the hands of two manufacturers, the American Foundation for the Blind and the American Printing House for the Blind. Occasionally, some records are purchased from the Royal National Institute for

the Blind in London, England, or from commercial producers.

Talking books require for their reproduction a special type of phonograph called the talking book machine or reproducer. As early as 1935, one year after the first talking books were placed in the distributing libraries, the federal government recognized that the provision of talking book machines as well as records was its responsibility. Accordingly, for several years various sums of money were allocated from emergency relief funds for the construction of reproducers "for the purpose of enabling the blind to use the books now provided by the Library of Congress." These funds were expended under the direction of the Librarian of Congress and the machines were manufactured under the supervision of the American Foundation for the Blind. When emergency relief funds were no longer available, the annual federal appropriation was increased to cover, in addition to books in raised characters and talking books, the purchase, maintenance, and replacement of talking book machines. Thus, in 1942, \$20,000 of the total Library appropriation of \$370,000 was reserved for maintenance and replacement of talking book machines, and in 1944, out of a total appropriation of \$500,000, \$400,000 was designated to be used for talking book machines as well as for talking book records.

In 1946, the annual authorized appropriation was increased to \$1,125,000 (with not exceeding \$200,000 to be expended for books in raised characters). At this time the Act was entirely rewritten, including and thereby nullifying all previous amendments. The funds available, however, proved grossly inadequate as the years passed. A tremendous step forward was taken when Congress in 1957 removed the ceiling limiting the expenditures of the Library of Congress in behalf of the Division for the Blind. As a result the Librarian of Congress may now ask Congress each year for sufficient sums to carry forward the expanded program anticipated. The 1957 amendment also eliminated the former limitation of \$200,000 on the amount of appropriated funds that could be expended annually for embossed books.

It was long felt that since according to the original law, the use of the books was limited to the adult blind (age limit 16 years) the library service to blind children was a much neglected field. To remedy this, an amendment of 1952 provided that "the first

sentence of the Act . . . is amended by striking out the word 'adult'." This change in the law does much to open up the world of reading to the young blind child.

The library service for blind persons through these measures has been made a vital and important feature in work with the blind.

*An Act to Provide Books for the Adult Blind with Amendments*

Public Law No. 787—71st Congress, Approved March 3, 1931.  
Public Law No. 439—72nd Congress, Approved March 4, 1933.  
Public Law No. 139—74th Congress, Approved June 14, 1935.  
Public Law No. 47—75th Congress, Approved April 23, 1937.  
Public Law No. 118—76th Congress, Approved June 7, 1939.  
Public Law No. 562—76th Congress, Approved June 6, 1940.  
Public Law No. 726—77th Congress, Approved October 1, 1942.  
Public Law No. 338—78th Congress, Approved June 13, 1944.  
Public Law No. 661—79th Congress, Approved August 8, 1946.  
Public Law No. 446—82nd Congress, Approved July 3, 1952.  
Public Law No. 308—85th Congress, Approved September 7, 1957.

## *Special Mailing Privileges*

Because of the weight and bulk of reading matter for blind persons it early became apparent to the federal government that special postal privileges should be extended to the blind on the basis of expediency if not for purely humanitarian reasons.

The first law on the subject was passed on March 2, 1899. It provided for the acceptance as third-class mail of unsealed letters written in point print or raised characters. The third-class rate at the time was one cent for each two ounces or fraction thereof, whereas the first-class rate which had been applicable to such matter was two cents for each ounce or fraction thereof.

By the turn of the century the new struggling libraries for the



blind or the blind readers found it a hardship to pay postage for the circulation of the heavy packages of books printed for the blind. Recognizing this, Congress, on April 27, 1904, passed "An Act to promote the circulation of reading matter among the blind," which granted the free mailing privilege to books, pamphlets, and other reading matter in raised characters for the use of blind persons in single volumes not exceeding ten pounds in weight or in packages not exceeding four pounds in weight and containing no advertising or other matter, when sent unsealed by public institutions for the blind or by public libraries as a loan to blind readers or when returned by the latter to such institutions or public libraries. The provisions of this law were placed in effect on June 2, 1904 by Order No. 541 of the Postmaster General.

The years following saw a steady increase in the reading interests of the blind. A number of periodicals in raised print appeared, among these the very successful *Matilda Ziegler Magazine for the Blind*. It became very expensive to mail such magazines to the blind subscribers. Accordingly, Congress extended, on August 24, 1912, the free mailing privilege applicable to matter for blind persons to magazines, periodicals, and other regularly issued publications in raised characters for the use of the blind, which contained no advertisements and for which no subscription fee was charged. This provision of law became effective by Postmaster General's Order No. 6529 dated September 13, 1912.

Many blind persons as time went on felt a desire to own their own Bible or parts of the Holy Scriptures. The average Bible in raised print at the time would comprise from twenty-five to one hundred volumes according to the type used. Even if the Bible was sent to a blind person as a gift, the cost of postage would be considerable. To remedy this situation Congress through Public Resolution of June 7, 1924 further extended the privilege of free mailing to volumes of Holy Scriptures or parts thereof in raised characters which contained no advertisements and when furnished without charge to a blind person by an organization, institution, or association not conducted for private profit. This law also provided that volumes of Holy Scriptures or parts thereof in raised characters when furnished to blind persons by nonprofit organizations, etc., at a price not greater than the cost price thereof

should be acceptable at the postage rate of one cent for each pound or fraction thereof. The provisions of this law were placed in effect by Order No. 761 of the Postmaster General, dated July 8, 1924.

In 1934 the first talking books were placed in the libraries for the blind. It was therefore found necessary in that year to pass an amendment to extend the provisions of law previously applying to matter in raised characters for the blind to include also matter for the use of the blind in the form of sound reproduction records. This law also increased the weight limit for reading matter acceptable in the mails free of postage to twelve pounds. Postmaster General's Order No. 5591, dated June 8, 1934, placed these provisions in effect.

So far no special action had been taken in regard to periodical publications furnished to the blind at a subscription price. The need for such action was met by an act of April 15, 1937, which provides that magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records containing no advertising and furnished to the blind by an institution, or association not conducted for private profit at a price not greater than the cost price thereof may be transmitted in the domestic mails at the postage rate of one cent for each pound or fraction thereof. Postmaster General's Order No. 10476 dated June 8, 1937 placed the provisions of this act in operation.

The generosity of the U. S. Post Office in carrying books in raised characters and talking books from the libraries to the blind readers and back again free of postage gave great impetus to library service to the blind. However, a new problem arose. Talking books require a special reproducer which in most cases is furnished by the government, in some cases by state governments, public libraries or private agencies for the blind. These reproducers from time to time are in need of repairs which might better be performed by the agency or manufacturer familiar with the construction of the machines. The cost of sending such reproducers back to the repair agencies proved considerable. Therefore, an act of May 16, 1938, besides re-enacting various other provisions, fixed the postage rate of one cent per pound for reproducers for sound reproduction records for the blind or parts

thereof belonging to the United States government which are shipped for repair purposes by a nonprofit organization, institution, public library, or association for the blind or by a blind person to an agency not conducted for private purpose, or from such an agency to an organization, institution, public library, or association for the blind not conducted for private profit or to a blind person. This law also authorized the Postmaster General at his discretion to extend the rate of one cent a pound to reproducers for sound reproduction records for the blind or parts thereof belonging to state governments, subdivisions thereof, or public libraries or private agencies for the blind not conducted for private profit or blind individuals. In addition, this act authorized the Postmaster General to set the maximum weight limit for parcels of reading matter for the blind accepted free of postage.

The Postmaster General by Order No. 11833 dated June 24, 1938, placed the provisions of the act of May 16, 1938 into effect and further extended as authorized the rate of one cent a pound for reproducers or parts thereof to the above mentioned agencies or individuals. By that order he also increased the weight limit for single packages of reading matter for the blind acceptable free of postage from twelve to fifteen pounds.

By an act of October 14, 1941, Congress also authorized the Postmaster General to extend the rate of one cent a pound to braillewriters and other appliances for the blind or parts thereof belonging to state governments or subdivisions thereof or public libraries or private agencies for the blind not conducted for private profit or blind individuals when such articles were mailed to be repaired or were returned after repair. This provision became effective December 22, 1941, pursuant to the Postmaster General's Order No. 16599.

Since that time two laws have been passed liberalizing somewhat the rules and restrictions on sending appliances for the blind through the mail. One of these, passed on September 7, 1949, provided that the Postmaster General could further extend the one-cent-a-pound rate to reproducers for sound reproduction records for the blind or parts thereof as well as braillewriters and other appliances for the blind or parts thereof belonging to state



TYPE OF MATTER	WHO MAY MAIL	PURPOSE FOR WHICH SENT
<p><i>Letters</i></p> <p>Letters written in print or raised characters or on sound reproduction records.</p>	Blind individuals.	Correspondence.
<p><i>Reading Matter for the Blind</i></p> <p>Books, pamphlets, and other reading matter published either in raised characters or in the form of sound reproduction records which contain no advertising or other matter. Weight limit for each package 15 pounds.</p>	Public institutions for the blind, public libraries or blind readers returning the matter to loaning institutions or libraries.	Loan to blind readers or return to the loaning institutions or libraries.
<p><i>Periodicals for the Blind Without subscription Charge</i></p> <p>Magazines, periodicals and other regularly issued publications in raised characters or on sound reproduction records which contain no advertising and for which no subscription fee is charged.</p>	Publisher of matter.	Use of the blind.
<p><i>Periodicals for the Blind Having Subscription Charge</i></p> <p>Magazines, periodicals and other regularly issued publications in raised characters or on sound reproduction records which contain no advertisements, furnished to blind persons at a price no greater than the cost price thereof.</p>	Organization, institution or association not conducted for private profit.	Use of the blind.
<p><i>Volumes of Holy Scriptures for the Blind Furnished Without Charge</i></p> <p>Volumes of holy scriptures or parts thereof published in raised characters or in the form of sound reproduction records which contain no advertising and are furnished to a blind person without charge.</p>	Organization, institution or association not conducted for private profit.	Use of the blind.
<p><i>Volumes of Holy Scriptures for the Blind Furnished at Cost Price</i></p> <p>Volumes of holy scriptures or parts thereof published in raised characters or in the form of sound reproduction records which contain no advertising, furnished to a blind person at a price not greater than the cost price thereof.</p>	Organization, institution or association not conducted for private profit.	Use of the blind.
<p><i>Reproducers for Sound Reproduction Records and Appliances for the Blind</i></p> <p>(1) Reproducers for sound reproduction records for the blind or parts thereof which are the property of the United States Government. Weight limit for each package, 70 pounds.</p> <p>(2) Reproducers for sound reproduction records for the blind or parts thereof, braille writers and other appliances for the blind or parts thereof belonging to blind individuals, state governments, subdivisions thereof, or public libraries or private agencies for the blind not conducted for private profit. Weight limit for each package, 70 pounds.</p>	<p>Blind person, organization, institution, public library or association for the blind not conducted for private profit to an agency not conducted for private profit or by such an agency to a blind person or an organization, institution, public library or association for the blind not conducted for private profit.</p> <p>Blind person, organization, institution, public library or association for the blind not conducted for private profit to an agency not conducted for private profit or by such an agency to a blind person or an organization, institution, public library or association for the blind not conducted for private profit.</p>	<p>Sent for repair or returned after repair.</p> <p>Sent for repair or other purpose.</p>

<sup>1</sup> Application for privilege must be submitted to Assistant Postmaster General, Bureau of Finance,

September 1, 1958

## MAILING PRIVILEGES FOR THE BENEFIT OF THE BLIND

<i>RATE OF POSTAGE</i>	<i>SPECIAL ENDORSEMENT ON MAILING PIECE</i>	<i>APPLICATION</i>
Third-class rate of 2 cents for the first two ounces and 1 cent for each additional ounce.	None Required	Not required.
Free	The name and address of sender in upper left corner of address side and word "Free" over the words "Reading Matter for the Blind" or "Sound Reproduction Records for the Blind" in upper right corner.	Not required.
Free	In printing on the first page of the publications (a) name of publication, (b) place where published, (c) date of issue, (d) frequency of issue, (e) the words "Accepted as free matter for use of the blind at ....." (Name of post office and State) Such indicia may be printed on labels and affixed to sound reproduction records.	Required <sup>1</sup>
One cent for each pound or fraction thereof.	Name and address of sender in upper left corner of address side below which must appear the words "Periodicals for the Blind."	Required <sup>1</sup>
Free	Name and address of the sender in upper left corner of address side below which must appear the words "Holy Scriptures for the Blind." The word "Free" shall appear in the upper right corner.	Required <sup>1</sup>
One cent for each pound or fraction thereof.	The name and address of the sender in the upper left corner of address side below which must appear the words "Holy Scriptures for the Blind." Required postage must be affixed in upper right corner.	Required <sup>1</sup>
One cent for each pound or fraction thereof.	Name and address of sender in upper left corner of address side below which must appear the inscription: "Appliance for the Blind."	Not required.
One cent for each pound or fraction thereof.	Name and address of sender in upper left corner of address side below which must appear "Appliance for the Blind."	Not required.

through postmaster at the office where mailings are to be made.

governments or subdivisions thereof, public libraries or private agencies for the blind not conducted for private profit or blind individuals, *regardless of the purpose* for which mailed. Order No. 42970 dated April 18, 1950, made this extension official.

The other law, passed on April 9, 1952, further provided that in the case of reproducers for sound reproduction records for the blind, braillewriters, other appliances for the blind or parts thereof where mailed under the above mentioned provisions, the maximum limit in weight shall be seventy pounds and the maximum limit of size shall be one hundred inches in girth and length combined. Order No. 51223, dated May 5, 1952 put these provisions in effect.

Postal regulations resulting from the above-mentioned legislation are summarized on the chart on pages 16 and 17.

#### *Postal Laws Affecting Blind Persons*

H. R. 4304—55th Congress, Approved, March 2, 1899.  
Public Law No. 171—58th Congress, Approved April 27, 1904.  
Public Law No. 336—62nd Congress, Approved, August 24, 1912.  
Public Resolution No. 33—68th Congress, Approved June 7, 1924.  
Public Law No. 214—73rd Congress, Approved May 9, 1934.  
Public Law No. 37—75th Congress, Approved April 15, 1937.  
Public Law No. 523—75th Congress, Approved May 16, 1938.  
Public Law No. 270—77th Congress, Approved October 14, 1941.  
Public Law No. 290—81st Congress, Approved September 7, 1949.  
Public Law No. 308—82nd Congress, Approved April 9, 1952.

### *Vocational Rehabilitation\**

On June 2, 1920, an act providing for the vocational rehabilitation of persons disabled in industry or otherwise became law. This act originally authorized appropriations for a period of four years. The authority was extended in 1924, again in 1930 and

\* This statement on the Vocational Rehabilitation Act has been prepared with the cooperation of Mr. Arthur Voorhees, Program Specialist in Vocational and Rehabilitation Services of the American Foundation for the Blind.



1932. Permanent authorization for annual appropriations by Congress was included in the Social Security Act approved August 14, 1935.

Under the original act, grants of funds were made to the states on a fifty-fifty matching basis to provide vocational rehabilitation services. For the most part these services consisted of counseling and guidance, training and placement, and to a limited extent, provision of books and training materials, prosthetic devices and occupational tools and equipment. Although blind persons were eligible under the Act, the number who received services was limited mainly to those attending colleges and universities and to those who were given training for employment in sheltered workshops.

During the preparedness program and the early part of World War II, hundreds of disabled persons, including blind persons, were placed in employment. Their records of production and dependability were so outstanding that the limitations of the legislation were made apparent. As a result Congress was encouraged to greatly expand the original act, first in 1943 and again in 1954.

The 1943 amendment, popularly called The Barden-LaFollette Act, was hailed as a great step forward in the rehabilitation of blind persons and resulted in new opportunities for employment for thousands of them. The vocational rehabilitation amendments of 1954 continued all and expanded some of the services inaugurated in 1943. The measure provided a stronger financial structure and improved administration for the federal-state program. It encouraged expansion of rehabilitation facilities, authorized training programs for professionally qualified personnel and made it possible for the states to bring better rehabilitation services to more people. It also opened the way for nonprofit voluntary organizations to participate in the federal-state programs through grants for special projects.

The Barden-LaFollette Act of 1943 established the State Board of Vocational Education to be the sole agency to administer the state plan of vocational rehabilitation within the state except that, where under the state's law the state blind commission or other agency provided assistance or services to the adult blind, the agency for the blind was authorized to provide vocational reha-

bilitation to blind persons. As a result of this provision 37 state agencies for the blind and that of the Territory of Hawaii administer vocational rehabilitation services and in the remaining 12 states vocational rehabilitation services to blind persons are provided by the same agency which serves other disabled persons.

Under the 1943 act the federal government made grants to the states for 100 per cent of the necessary costs of administration, vocational guidance and placement and 50 per cent of the cost of provision to the disabled client of medical and psychiatric examinations, hospitalization and medical treatment, prosthetic appliances, training, transportation, occupational tools and equipment, and maintenance while an individual is undergoing rehabilitation.

The 1954 amendment established a new federal matching formula based on population and per capita income of each state to finance the vocational rehabilitation program. Funds were also made available for research and demonstration projects on better and more effective ways of overcoming disability and for the financial support of training programs for professional personnel, including fellowships and traineeships to individuals. Furthermore, provisions were made for the establishment of public and other nonprofit rehabilitation facilities to provide services for physically handicapped individuals and the establishment of public and other nonprofit workshops for the severely handicapped.

Prior to the passage of the 1943 amendment, the Division of Vocational Rehabilitation functioned as a unit of the Office of Education. With the passage of the Barden-LaFollette Act, the administrator of the Federal Security Agency (since 1953 the Department of Health, Education and Welfare) established the Office of Vocational Rehabilitation as a separate unit of the agency. Within the organization of the Office of Vocational Rehabilitation was included a section known as Services for the Blind. In general, the functions of this special section are to provide national leadership; develop standards and techniques in all areas of the program which will improve and expand vocational rehabilitation services to blind persons; provide consultative service to the states; plan and prepare technical guides and other materials; plan, organize and conduct workshops and training institutes for state personnel

and administer the Randolph-Sheppard and Business Enterprises programs, including the development of standards and policies for their administration.

In carrying out its responsibility, the Services for the Blind utilizes the professional and technical assistance of all other divisions of the Office of Vocational Rehabilitation, including the regional offices.

State agencies authorized to provide vocational rehabilitation services to the blind are fully responsible for the conduct of the program within their respective states, including the establishment of eligibility for service to blind individuals and the type and extent of service each person may receive. Services provided may include any or all of the following:

1. Medical diagnosis to learn the nature and degree of disability and to help determine eligibility for services, the need for additional medical services, and the individual's work capacities;
2. Medical, surgical, psychiatric, and hospital services to remove or reduce the disability;
3. Artificial limbs and other prosthetic appliances;
4. Individual counseling and guidance, including psychological testing, to help select and attain a vocational objective;
5. Training, including occupational training and adjustment training for the blind.
6. Maintenance and transportation during treatment, training, or any other phase of the actual rehabilitation process;
7. Tools, equipment, licenses, or initial stocks and supplies if these are necessary to give the rehabilitated individual a fair start;
8. Placement in a job commensurate with the individual's physical and mental capacities;
9. Follow-up to ensure that the rehabilitated person is successful and that both he and his employer are satisfied.

Services Nos. 1, 4, 8, and 9 are furnished without cost to the disabled individual. Training is generally furnished without cost. Public funds are used for providing the other listed services to the extent that the disabled person is not able to pay for them.

#### *Controlled Business Enterprises*

In the Labor Federal Security Appropriation Act of 1946 for



the administration of The Barden-LaFollette Act and subsequent appropriation acts until 1954 there was included a provision authorizing federal reimbursement for one-half of the necessary expenditures for the acquisition of vending stands and other equipment to be controlled by the state agencies for the use of blind persons. The 1954 amendment provided for federal financial participation in the establishment of vending stands and other small businesses for the severely handicapped to be managed or supervised by state agencies thus eliminating the necessity for the inclusion of this annual appropriation item.

### *The Randolph-Sheppard Act*

Another act of Congress which has done much to provide blind persons with gainful employment is the Randolph-Sheppard Act of 1936. An amendment to this legislation was included in the general Vocational Rehabilitation Amendments of 1954.

The administration of the act originally was placed in the Office of Education and was administered by that office until June 16, 1946 when it was transferred to the Office of Vocational Rehabilitation, which is now a part of the Department of Health, Education and Welfare.

The original act aimed at enlarging the economic opportunities for blind persons by making surveys of concession stand opportunities and of pertinent industries and making the information thus obtained available to persons and organizations serving blind persons. Primarily, it authorized blind persons to operate vending stands in federal and other buildings when in the discretion of the department or agency controlling the buildings such vending stands might be properly and satisfactorily operated by blind persons.

The 1954 amendment strengthened the program by providing for preference to blind persons in the operation of vending stands on federal property as well as in federal buildings.

The amendments also required each federal agency, in control of federal property, to issue regulations to assure preference for licensed blind persons in the operation of stands on that property. It specified that the assignment of income from vending machines be made in a manner to achieve and protect this preference.

It further specified the purposes and extent to which funds may be set aside from the proceeds of the operation of vending stands and guaranteed a fair hearing to any licensed vending stand operator dissatisfied with any action arising from the operation or administration of the program. In certain instances a licensed operator may own his own stock and equipment.

It is the responsibility of the Office of Vocational Rehabilitation to designate a public agency serving blind persons to issue licenses to blind persons for the operation of vending stands on federal property. The 1954 amendments specified that this agency shall be the same agency that is authorized to provide vocational rehabilitation to individuals.

To be eligible for a license, a person must be blind within the meaning of the Act, twenty-one years of age, and a citizen of the United States. The Act further provides that preference shall be given to blind persons in need of employment and who have resided within the state for a period of one year.

The licensing agencies are fully responsible for the conduct of the program within the state, including the selection of qualified blind persons for licensing, the selection of suitable locations for vending stands, the equipping of stands, providing them with stocks of merchandise, the adoption of regulations to govern the program within the state, and for taking such steps as are necessary to assure the operation of the vending stand program in an efficient and productive manner.

#### *Vocational Rehabilitation Act and Amendments*

Public Law No. 236—66th Congress, Approved June 2, 1920.  
Public Law No. 200—68th Congress, Approved June 5, 1924.  
Public Law No. 317—71st Congress, Approved June 9, 1930.  
Public Law No. 222—72nd Congress, Approved June 30, 1932.  
Public Law No. 113—78th Congress, Approved July 6, 1943.  
Public Law No. 565—83rd Congress, Approved August 3, 1954.

#### *Randolph-Sheppard Act and Amendment*

Public Law No. 732—74th Congress, Approved June 20, 1936.  
Public Law No. 565—83rd Congress, Approved August 3, 1954.

## *Government Purchase of Blind-Made Products*

Federal legislation and constructive efforts by workers for the blind have enabled many blind persons to take their place as self-supporting individuals in competition with the seeing. There are, however, many blind persons whose productive ability is so limited that employment in special workshops or in home industries programs is called for.

It was early recognized that the capacity of the many sheltered workshops for the blind to provide employment was seriously restricted because of the limited market for their products. It was also realized that many articles bought regularly in large quantities by the federal government could be manufactured by workshops for the blind and sold at a fair market price. In 1938, therefore, Congress passed the Wagner-O'Day Act "to create a Committee on Purchases of Blind-Made Products, and for other purposes." The committee is to be composed of a private citizen conversant with the problems of the employment of the blind and a representative each of the Navy Department, the War Department, the Treasury Department, the Department of Agriculture, the Department of Commerce, and the Department of the Interior, the members of the committee to be appointed by the President.

The duty of the committee is to determine the fair market price of all brooms and mops and other suitable commodities manufactured by the blind and offered for sale to the federal government by nonprofit agencies for the blind, to revise such prices from time to time, and to make the necessary rules and regulations for the carrying out of the provisions of the Act.

It further authorizes the creation of a central nonprofit agency to facilitate the distribution of orders among workshops for the blind. This agency, National Industries for the Blind, was set up



with headquarters in New York as an affiliate of the American Foundation for the Blind. It functions with an advisory committee of workshop managers, and serves not only as an allotting agency, but also gives consultation and field service to the workshops.

*Wagner-O'Day Act*

Public Law No. 739—75th Congress, Approved June 25, 1938.

*Financial Aid to the Blind*

Special local legislation providing relief for the needy blind in the form of direct financial assistance from public funds has a long history in the United States. The oldest provision of this type is found in a resolution passed in 1866 by the Board of Aldermen and Board of Councilmen of New York City, establishing a definite procedure for dealing with applications from blind persons for "donations" from city funds. The first state law for relief for the blind was passed in Ohio in 1898. This law was later declared unconstitutional, so that Illinois's so-called "blind pension" law of 1903 actually pioneered in establishing the principle of relief for the blind from public funds. By January 1935, twenty-six states had passed similar legislation.

In 1935, with the passage of the Social Security Act, the federal government assumed the responsibility of helping the states to provide assistance to the needy blind. Title X of the Act authorized the appropriation of the sum of \$3,000,000 of federal funds for the fiscal year ending June 30, 1936, and in each year thereafter, so much as might be necessary for assistance to the states through reimbursement for one-half of the state's expenditures for aid to the needy blind, always with the provision that the federal grant must not exceed \$15.00 monthly on behalf of any

one blind person. An amendment to the Act passed in 1939 continued the provision that the federal government share the expenditures on a fifty-fifty basis, but raised the amount of possible federal contribution to \$20.00 per month.

In 1946 the federal matching maximum on individual payments to needy blind persons was increased from \$40.00 to \$45.00 per month. This amendment also provided that the federal government instead of matching state funds on a fifty-fifty basis, would pay two-thirds of the first \$15.00 of the average monthly payment to needy blind persons and one-half of the balance of all expenditures within the \$45.00 maximum. This latter provision was primarily intended to benefit states with relatively low average payments, most of them low-income states. Carrying this principle further, an amendment of 1948 increased the maximum on individual payments to \$50.00 per month, specifying that three-fourths of the first \$20.00 of the average monthly assistance payment and one-half of the balance within the \$50.00 maximum would be paid by the federal government.

In 1952 the federal maximum was raised to \$55.00 and in 1956 to \$60.00 per month. These amendments also stipulated that the federal government pay four-fifths of the first \$25.00 or \$30.00 respectively of the monthly grant and one-half of the balance. A further step to aid low-income states was taken in 1958. In addition to establishing a new federal maximum of \$65.00 per month, this amendment revises the formula for matching funds. The federal government will continue to pay \$24.00 of the first \$30.00 per recipient of aid to the blind. However, instead of paying half of the balance it will pay from 50 to 65 per cent of the remainder of expenditures up to \$65.00 times the number of recipients. The precise percentage will be determined by a formula based on the states' per capita income. Furthermore, the new federal maximum of \$65.00 will cover both money payments to recipients and payments for medical care on their behalf. Since 1956, payments to physicians, hospitals, etc. had been financed separately from money payments to recipients. In addition, according to the 1939 amendment the federal government pays 50 per cent of the administration costs.

The original Title X of 1935 gave as its purpose "to furnish

financial assistance . . . to needy individuals who are blind." The 1939 amendment, however, specified that "the state agency shall, in determining need, take into consideration any other income and resources of an individual claiming aid to the blind." Recipients of aid to the blind and many workers for the blind considered this clause as causing an unnecessary hardship, which in addition, might discourage efforts toward remunerative employment. Friends of the blind, therefore, gave their full approval to a 1950 amendment which, effective July 1, 1952, directed the state agency, in determining need, to disregard the first \$50.00 per month of earned income. A 1952 amendment further provides that the income of the blind recipient which is disregarded in determining his need shall also be disregarded in determining the need of his dependent who is receiving any other form of categorical public assistance, such as old-age assistance, aid to dependent children, aid to the blind, or aid to the permanently and totally disabled.

In order to be eligible for federal funds for aid to the blind, a state must have a state plan approved by the Social Security Administration, Department of Health, Education and Welfare. Such an approved plan must be state-wide in operation and administered or supervised by a single state agency. The state must pay part of the cost, but may require its counties to contribute if it wishes. The Social Security Act specifies other plan requirements relating to the right of a fair hearing, a merit system for state employees, reporting of data to the federal agency, the consideration of income referred to earlier, the protection of information about recipients, the method of examination for blindness, prompt action on applications, and to the establishment and maintenance of standards for institutions where the blind live. The states are responsible for determining the amount of the individual monthly grant based on an investigation of the needs of the blind person. However, a state is free to pay more or less than the maximum established in the Social Security Act as a limit on federal financial participation.

The Act also specifies certain maximum provisions relating to citizenship and residence requirements which the state plans may not exceed. It sets no age limit for aid to the blind, but the state



may do so if it desires. The law provides that the examinations to determine blindness may be made by a physician skilled in eye diseases or by an optometrist with the choice (since July 1, 1952) to be made by the applicant. The same person may not receive aid to the blind and old-age assistance or aid to the blind and aid to the permanently and totally disabled concurrently. Federal funds may not be used for aid to inmates of public domiciliary institutions but may be used to aid recipients who are patients in a public medical institution. Recipients who are patients in mental or tuberculosis institutions, or who have been diagnosed as having a psychosis or tuberculosis, and who are in medical institutions for that reason may not be aided with federal financial participation.

Of interest to blind persons is also the 1954 amendments' provision for the "disability freeze" designed to protect the benefit rights of persons who are unemployed over a long period of time because of disability, including blindness. Since the passage of the 1956 amendments, such disabled individuals may, under certain conditions, draw social security benefits between the ages of 50 and 65. Such individuals must be able to prove that their earning power has been reduced due to their disability, that they are fully insured, that they have 20 quarters of coverage in the 40 quarters preceding their disability, and that they have at least six quarters of coverage out of the twelve quarters preceding their disability. Blindness, however, is not a presumptive disability; it must be shown that the blindness, like other disabilities, prevents the individual from engaging in substantially gainful employment.

In 1958, Congress went a step further by providing benefits for the dependents of disability insurance beneficiaries like those now provided for the dependents of retired workers. The 1958 amendments also broadened the eligibility requirements for both the disability freeze and disability insurance benefits, so that a disabled individual is now only required to be fully insured and to have 20 quarters of coverage in the 40 quarters preceding his disability. Other liberalizing provisions in the 1958 amendments are: (1) elimination of the offset of state workmen's compensation or other federal disability payments against social security disability insurance benefits; (2) permitting retroactive disability

insurance payments for twelve months from the date of application; and (3) extension of the deadline for obtaining fully retroactive disability freeze benefits until June 30, 1961.

The 1956 amendments made it possible for disabled children over 18 years of age who became disabled while under the age of 18 to receive monthly payments on the basis of social security wage records of a retired parent or a deceased parent, provided that they could prove that at least one-half of their support was obtained from the parent on whose wage record the benefit was based. The 1958 amendments eliminated the necessity for proving dependency to the extent of one-half of their support and substituted the same criteria of dependency used for children under 18 years of age.

#### *Social Security Act and Amendments*

Public Law No. 271—74th Congress, Approved August 14, 1935.

Public Law No. 379—76th Congress, Approved August 10, 1939.

Public Law No. 719—79th Congress, Approved August 10, 1946.

Public Law No. 642—80th Congress (Joint Resolution passed June 14, 1948).

Public Law No. 734—81st Congress, Approved August 28, 1950.

Public Law No. 590—82nd Congress, Approved July 18, 1952.

Public Law No. 761—83rd Congress, Approved September 1, 1954.

Public Law No. 880—84th Congress, Approved August 1, 1956.

Public Law No. 840—85th Congress, Approved August 28, 1958.

### *Income Tax Exemption*

In the opinion of many workers for the blind, a blind person has certain expenses growing out of blindness which seeing taxpayers in similar economic circumstances do not have to meet. On the basis of this theory Congress in the Revenue Act of 1943 included a provision permitting a blind taxpayer, in reporting

his income to take a personal deduction of \$500.00 in addition to other deductions authorized by law.

The Revenue Act of 1948 changed the above-mentioned deduction because of blindness to an exemption (thus subject to the withholding tax), increased the amount to be exempted to \$600.00, and provided that this exemption of \$600.00 might also be taken for the blind spouse of the taxpayer when a joint return is filed, even though such spouse has no income. These exemptions are permitted in addition to all other exemptions provided for by law, including the \$600.00 exemption for a person who is more than 65 years of age.

The Internal Revenue Service has ruled that the cost and maintenance of a guide dog may be considered a medical expense for federal income tax purposes. Furthermore, parents of handicapped children (including blind children) are allowed to deduct as a medical expense the cost of sending such children to public or private institutions for special instruction. Permitted deductions include costs of meals and lodging, if supplied and included in the tuition fee paid by the parents.

*Amendments to the Revenue Acts Affecting the Blind*

Public Law No. 235—78th Congress, Passed House of Representatives, February 24, 1944, the Senate, February 25, 1944.

Public Law No. 471—80th Congress, Passed House of Representatives, April 2, 1948, the Senate, April 2, 1948.

*Internal Revenue Bulletin*, December 30, 1957, pp. 41-42.



## *Transportation*

Many blind people, when traveling, find it necessary to be accompanied by a guide. Until 1927 this involved the payment of double fares, and this imposed a very serious burden on people who could ill afford it. Many railroad companies and other common carriers were willing to permit a blind person and his guide to travel for one fare, but such a concession was expressly forbidden by the terms of the Interstate Commerce Act.

To remedy this situation Congress in 1927 passed an amendment to the Interstate Commerce Act stating that "nothing in this act shall be construed to prohibit any common carrier from carrying any totally blind person accompanied by a guide at the usual and ordinary fare charged to one person, under such reasonable regulations as may have been established by the carrier."

Railroads and bus companies soon took action under this permissive clause, although the rules and regulations established are not uniform throughout the country. Thus, some of the railroads require a blind traveler and his guide to pay one full first-class fare even though they may prefer to ride in the day coach. Similarly, some bus companies carry a blind person and his guide for one fare, others for one and one-half fare. Special coupon books to enable the blind person to buy railroad and bus tickets under this concession are obtained from the American Foundation for the Blind.

The above-mentioned special concessions apply to a blind person traveling with a seeing attendant, not to a blind person who is alone or traveling with another blind person or with a guide dog.

In recognition of the growing popularity of the guide dog, Congress in 1937 passed another amendment to the Interstate

Commerce Act which added to the former amendment after the word "guide," the words "or seeing-eye dog or other guide dog especially trained and educated for this purpose."

*Amendments to the Interstate Commerce Act*

Public Law No. 655—69th Congress, Approved February 26, 1927.  
Public Law No. 184—75th Congress, Approved July 5, 1937.

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